

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS, LLC, fka CAPITOL RECORDS,
INC.; ELEKTRA ENTERTAINMENT
GROUP INC.; INTERSCOPE RECORDS;
LAFACE RECORDS LLC; MOTOWN
RECORD COMPANY, L.P.; PRIORITY
RECORDS LLC; SONY MUSIC
ENTERTAINMENT, fka SONY BMG
MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC;
MARK GORTON; and M.J.G. LIME WIRE
FAMILY LIMITED PARTNERSHIP,

Defendants.

06 Civ. 05936 (KMW)
ECF CASE

PLAINTIFFS' NOTICE OF MOTION AND MOTION TO FILE UNDER SEAL

Glenn D. Pomerantz (*pro hac vice*)
Kelly M. Klaus (*pro hac vice*)
Melinda E. LeMoine
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Date: April 6, 2011

NOTICE TO THE COURT, DEFENDANTS AND THEIR COUNSEL OF RECORD:

Pursuant to the Amended Protective Order entered in this action on January 6, 2011,

Plaintiffs hereby move this Court to place under seal, until further order of this Court, the following documents:

- Plaintiffs' Opposition to Defendants' Motion *In Limine* #1 to Preclude Certain References to the Court's Statements, Opinions or Conclusions in the May 25, 2010 Opinion and Order Granting Summary Judgment

The above-referenced document contains quotations from the February 7, 2011 Deposition of Mark Gorton. Defendants have designated the entire transcript of that deposition as "Restricted Confidential -- Outside Attorney's Eyes Only." Paragraph 15 of the Amended Protective Order requires a party submitting "Confidential-Attorney's Eyes Only" material to the Court to file such material under seal to protect it from disclosure. Plaintiffs do not see any basis to treat the excerpted quotations from Mr. Gorton's deposition as confidential, but Plaintiffs are doing so to honor Defendants' request as required by the Protective Order. Plaintiffs are simultaneously electronically filing a version of the above-referenced Memoranda of Law that narrowly redacts only that material the Protective Order requires Plaintiffs to keep confidential.

- Plaintiffs' Opposition to Defendants' Motion *In Limine* #2 to Exclude Evidence and Argument Concerning Defendant Mark Gorton's Net Worth and Sources of Income Unrelated to Lime Wire Prior to Any Determination That Punitive Damages Are Appropriate
- Exhibits 2 and 4-12 of the Declaration of Kelly M. Klaus In Support of Plaintiffs' Opposition to Defendants' Motion *In Limine* #2 to Exclude Evidence and Argument Concerning Defendant Mark Gorton's Net Worth and Sources of Income Unrelated to Lime Wire Prior to Any Determination That Punitive Damages Are Appropriate
- Plaintiffs' Opposition to Defendants' Motion *In Limine* #3 to Exclude Evidence and Argument Concerning Certain Non-Parties' Invocation of the Fifth Amendment Privilege Against Self Incrimination

- Exhibits 1 and 3–6 of the Declaration of Kelly M. Klaus In Support of Plaintiffs' Opposition to Defendants' Motion *In Limine* #3 to Exclude Evidence and Argument Concerning Certain Non-Parties' Invocation of the Fifth Amendment Privilege Against Self Incrimination

The above-referenced documents contain detailed information that Defendants have designated “Confidential” or “Restricted Confidential -- Outside Attorney's Eyes Only.”

Paragraph 15 of the Amended Protective Order requires a party submitting Confidential or Confidential-Attorney's Eyes Only material to the Court to file such material under seal to protect it from disclosure. Plaintiffs are simultaneously electronically filing versions of the above-referenced Memoranda of Law that narrowly redact only that material the Protective Order requires Plaintiffs to keep confidential.

Dated: April 6, 2011

Respectfully submitted

/s/ Melinda E. LeMoine

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